



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 22 2008

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim Graff, Senior Vice President
Abbyland Foods, Inc.
502 East Linden Street
Abbotsford, Wisconsin 54405-0069

Re: Notice of Violation
Abbyland Foods
Abbotsford, WI

Dear Mr. Graff:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Abbyland Foods, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating or have violated the Wisconsin State Implementation Plan at your Abbotsford, Wisconsin facility.

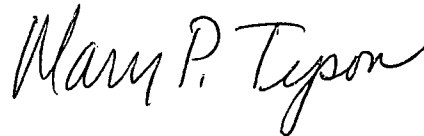
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jeffrey Gahris. You may call him at (312) 886-6794 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division



Enclosure: SBREFA fact sheet

cc: William Baumann, Chief
Compliance and Enforcement Section
Wisconsin Department of Natural Resources

Jeff Johnson, Supervisor
West Central Region
Wisconsin Department of Natural Resources

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Abbyland Foods, Inc.)	NOTICE OF VIOLATION
Abbotsford, Wisconsin)	
)	EPA-5-09-MI-04
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(1))	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Abbyland Foods, Inc. ("Abbyland" or "you") is violating the Wisconsin State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On January 18, 1995, EPA approved Wisconsin Administrative Code NR 406 and NR 407 as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 3543 (January 18, 1995). 40 C.F.R. §52.2570(c)(75) and (76).
2. NR 406.03 states that no person may commence construction, reconstruction, replacement, relocation or modification of a stationary source unless the person has a construction permit for the source or unless the source is exempt from the requirement to obtain a permit under S 144.391(5), Wis. Stats., or under this chapter.
3. NR 407.01 states that chapter NR 407 applies to all direct stationary sources which are required under s. 285.60, Wis. Stats., to obtain an operation permit.

Abbyland's Operations in Abbotsford, Wisconsin

4. Abbyland owns and operates a meat processing facility at 502 East Linden Street, Abbotsford, Wisconsin.

5. In a letter dated January 18, 2008, you described the production lines at your Abbotsford facility. These production lines are identified as:

Line 1 – infrared conveyor oven line.

Line 2 – searing and cooking of raw beef, pork and turkey meats.

Line 3 – searing and cooking of raw turkey and beef meats.

Line 4 through 8 – five natural wood-fired smoke houses.

The January 18, 2008 letter also identifies several natural gas-fired boilers.

6. These emissions sources cause emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other air contaminants.
7. Emissions from Abbyland's meat processing lines are subject to Wisconsin Administrative Code NR 406 in the Wisconsin SIP at 60 Fed. Reg. 3543.
8. Emissions from Abbyland's meat processing lines are also subject to Wisconsin Administrative Code NR 407 in the Wisconsin SIP at 60 Fed. Reg. 3543.
9. Abbyland submitted on or about March 28, 2008, an after-the-fact permit application to install and operate its Line 4 Double Oven and its Line 5 PMC oven.
10. Abbyland submitted on or about July 7, 2008, an after-the-fact permit for other emissions units at the facility.

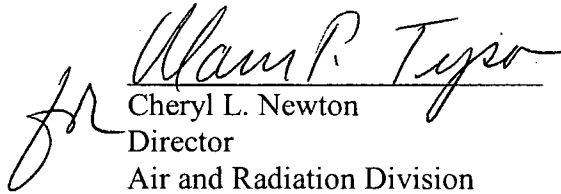
Violations

11. Abbyland, in its letter to EPA dated October 31, 2008, voluntarily self-disclosed that it discovered a potential violation of the Wisconsin Administrative Code NR 407 on October 19, 2007, as a result of a compliance audit.
12. After conducting emissions testing in 2008, as explained in your letter dated November 20, 2008, Abbyland is in the process of obtaining quotations and installation schedules for add-on emissions controls.
13. These emissions are in violation of NR 406 and the Wisconsin SIP.
14. These emissions are also in violation of NR 407 and the Wisconsin SIP.

Environmental Impact of Violations

15. The purpose of these requirements to obtain construction and operation permits, among other things, is to assure emissions from the source are properly controlled.
16. Excess emissions of particulate emissions increase public exposure to unhealthy particulate matter which contributes to respiratory problems, lung damage, and premature deaths.

12/22/08
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-09-MI-04, by

Certified Mail, Return Receipt Requested, to:

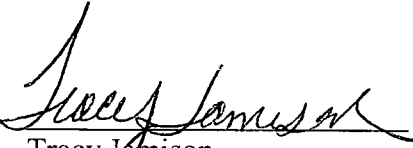
Tim Graff, Senior Vice President
Abbyland Foods
P.O. Box 69
502 East Linden Street
Abbotsford, Wisconsin 54405-0069

I also certify that I sent copies of the Notice of Violation by first class mail to:

Jeff Johnson, Supervisor, WCR Air Team
Wisconsin Department of Natural Resources
West Central Region
1300 West Clairemont Avenue
P.O. Box 4001
Eau Claire, Wisconsin 54702-4001

Bill Baumann, Chief, Compliance and Enforcement Section
Wisconsin Department of Natural Resources
Bureau of Air Management
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53702

on the 23 day of November, 2008.


Tracy Jamison
Office Automation Clerk
AECAS, (MI/WI)
(312) 886-6205

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0180 0149